

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Malmstrom Air Force Base Composite Squadron Civil Air Patrol

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bob Jones, Bill Bronson, Bob Kelly and Fred Burow. Also present were the City Manager and Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Detective; and the City Clerk.

PROCLAMATION: Mayor Winters read proclamations for Boys and Girls Club Week, National Service Recognition Day, Child Abuse Prevention Week and Fair Housing Month.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ****

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Karen Grove, NC 8, extended an invitation to residents to attend council meetings at 6 p.m. on the third Thursday of each month at the Great Falls Pre-Release Center. Mrs. Grove thanked Wendy Thomas, Ida Meehan and City staff that participated in the Growth Policy and Imagine Great Falls planning meetings. From those meetings, she reported that citizens were pleased with the safety services of the Great Falls Police and Fire Departments, but expressed concern whether the City had enough staffing to continue that great service as the City grows. Mrs. Grove reiterated a discussion with a district member regarding home insurance rate increases partially being due to the Great Falls Fire Department not meeting the national rating. She remembered the Fire Chief discussing this issue about a year ago. Around that time a public safety levy failed. Mrs. Grove expressed that she would rather see Great Falls public safety officers staffed adequately versus increases in insurance premiums.

CONSENT AGENDA

- 2.** Minutes, March 19, 2013, Commission meeting.
- 3.** Total expenditures of \$1,762,669 for the period of March 9-27, 2013, to include claims over \$5,000, in the amount of \$1,551,473.
- 4.** Contracts list.

Commissioner Jones moved, seconded by Commissioner Kelly, that the City Commission approve the Consent Agenda as presented.

Mayor Winters asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

BOARDS & COMMISSIONS

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS

6. PROPERTY ADDRESSED AS 4711, 4727 AND 4811 2nd AVENUE NORTH.

A. ORDINANCE 3103, REZONES PROPERTY FROM C-2 GENERAL COMMERCIAL TO M-2 MIXED-USE TRANSITIONAL.

B. RESOLUTION 10011, CONDITIONAL USE PERMIT TO ALLOW A MINI-STORAGE FACILITY AT 4711 & 4727 2nd AVENUE NORTH.

Planning and Community Development Director Mike Haynes reported that this item is a request to conduct a public hearing to consider Ordinance 3103 that would rezone property on the north side of 2nd Avenue North in the 4700 and 4800 blocks from C-2 General Commercial to M-2 Mixed-Use Transitional and Resolution 10011, a Conditional Use Permit, to allow a mini-storage facility on a portion of that subject property.

The subject property includes Lot 3 and Lot 5 recently acquired by the applicant, JKW Enterprises. That property is the former B&H Mobile Home Court that was allowed to deteriorate over many years by an absentee owner, subject to numerous code enforcement actions and finally closed down when trailers on the site became uninhabitable. The subject property also contains easternmost Lot 4 that has been owned by JKW Enterprises for many years and comprises some mobile homes, storage buildings and offices. All three lots have C-2 General Commercial zoning and uses on the properties have been legally nonconforming.

The applicant owns the property adjacent to and east of the subject property that is in unincorporated Cascade County. That property is a large U-Stor-It mini-storage facility. The applicant intends to expand the mini-storage facility to the west onto the subject property.

The request to rezone Lots 3, 4 and 5 to M-2 Mixed-Use Transitional is preferred by staff over the alternative of rezoning to I-1 Light Industrial. Mini-storage is permitted in the M-2 zoning district with conditional use approval, and M-2 zoning allows other beneficial redevelopment opportunities that are appropriate for the area in the short and long-term.

The applicant is requesting conditional use approval only on Lots 3 and 5 at this time. As a condition of approval the applicant will be required to file an amended plat aggregating the two lots into one. It is anticipated that the applicant will seek a Conditional Use Permit on Lot 4 at such time as redevelopment of that property is imminent.

At a public hearing held on February 12, 2013, the Zoning Commission recommended that the City Commission approve the requests for rezoning and a conditional use permit.

Mayor Winters declared the public hearing open.

Speaking in support of Ordinance 3103 and Resolution 10011 was **Aaron Pursell**, 3905 9th Avenue South. On behalf of Neighborhood Council 4, Mr. Pursell reported that the council is pleased to see that the area is going to be cleaned up and that viable businesses will be replacing what is considered an eyesore to many residents.

No one spoke in opposition to Ordinance 3103 and Resolution 10011.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3103.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10011.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

7. ORDINANCE 3091, ASSIGNS CITY ZONING TO NORTHVIEW ADDITION, PHASE 10.

Planning and Community Development Director Mike Haynes reported that this item is a request to set a public hearing for May 7, 2013, to consider Ordinance 3091 that would assign zoning of PUD (Planned Unit Development) to ±6.26 acres of property that will comprise Phase 10 of the Northview Addition residential subdivision.

The applicant proposed that Northview Addition Phase 10 would contain 21 single family home lots accessed from the proposed extension of 12th Street NE, south from 41st Avenue NE.

In conjunction with the annexation of Phase 10 the City proposes to annex the ±0.2 acre 12th Street NE right-of-way prior to the construction of that segment of roadway using funds that are already in escrow. The 12th Street NE extension and connection would provide the second roadway access to Northview Addition from 36th Avenue NE, improving connectivity and traffic flow in the area.

Staff advised the applicant throughout this process that as a condition of approval of the final plat they would be required to extend 40th Avenue NE to the east property line of the subdivision which would in turn result in the loss of one lot. The applicant opposed that condition.

At a public hearing held on February 26, 2013, the Planning Advisory Board/Zoning Commission unanimously recommended that the City Commission annex the subject properties into the City, assign PUD zoning to the property, and approve the final plat including condition #5 requiring the extension of 40th Avenue NE to the east property line and thereby reducing Phase 10 to 20 lots.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3091 on first reading and set a public hearing for May 7, 2013.

Mayor Winters asked if there was any discussion amongst the Commissioners. Due to an inadvertent conversation with applicant, Commissioner Burow and Mayor Winters noted they would abstain from voting.

Mayor Winters asked if there were any comments from the public.

Spencer Woith, Woith Engineering, 1725 41st Street South, commented that they started master planning this subdivision in 2005. At no time was it mentioned that they would be required to extend 40th Avenue NE. It is very difficult to accept the additional cost of losing a lot and construction costs adding the street that he estimated would cost \$75,000. When the master plan was first presented the subdivision only had one access on 9th Street. It was requested that they find an additional access point into the subdivision. Woith Engineering agreed to escrow money to pay for the 12th Street NE roadway construction costs. At that time, they felt they had addressed the concerns of ingress and egress into the subdivision. Mr. Woith concluded that it is frustrating to get hit this late in the game after the master plan has been used for 10 phases of this subdivision.

Jim Workman, 1024 36th Avenue NE, commented that he is the developer, and that it would not be practical to finish this project at that cost. He cannot afford to lose money on the last phase and would have to halt work on the subdivision unless the City wants to pay for the costs of the street.

Commissioner Bronson commented that the only action the Commission is being asked to consider this evening is to set the public hearing for May 7, 2013. He appreciated hearing the general concerns, but encouraged Messrs. Workman and Woith to express their views and concerns for consideration at the public hearing.

Director Haynes clarified that although this is Phase 10 technically, Phase 9 remains undone. The City has worked with the applicant as the applicant made changes to their plans over time that were substantially in conformance with the preliminary plat, but included changes such as single family units to condos. The City would have been within its rights to ask the applicant to prepare a new preliminary plat and go through the process. The preliminary plat did not show a connection to the east, but the staff report did talk about recommending connections to the east and north as it was

anticipated there would be future development in the area.

Motion carried 3-0-2 (Mayor Winters and Commissioner Burow abstained).

8. ORDINANCE 3105, EAST INDUSTRIAL PARK COMPREHENSIVE PLAN.

Planning and Community Development Director Mike Haynes reported that this item is a request to accept Ordinance 3105 on first reading and set a public hearing for May 7, 2013, to consider adopting a Comprehensive Development Plan including a Tax Increment Financing provision for the East Industrial Park. The proposed East Industrial Park is ±400 acres and comprises the recently annexed AgriTech Park Addition and the American Agri-Technology Addition - more commonly referred to as the "Advanced Bio-Fuels" site - that was annexed in 1992. The East Industrial Park is generally located east of 52 Street North, north and south of 18th Avenue North.

The City Commission adopted Resolution of Necessity 10014 on March 5, 2013, declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the East Industrial Park.

On March 12, 2013, the Planning Advisory Board made two findings: The East Industrial Park TIFID Plan to be in conformance with the I-2 and PUD with underlying I-2 zoning of the subject property; and, the East Industrial Park TIFID Plan is in conformance with the City of Great Falls' 2005 Growth Policy.

The process will establish a TIFID with an effective date of June 6, 2013, where tax increment generated from development after January 1, 2013, will be invested to finance public infrastructure improvements in the district.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3105 on first reading and set a public hearing for May 7, 2013.

Mayor Winters asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

9. ORDINANCE 3106, CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK COMPREHENSIVE PLAN.

Planning and Community Development Director Mike Haynes reported that this item is a request to accept Ordinance 3106 on first reading and set a public hearing for May 7, 2013, to consider adopting a Comprehensive Development Plan including a Tax Increment Financing (TIF) provision for the Central Montana Agriculture and Technology Park. The existing Central Montana Agriculture and Technology Park contains ±100 acres comprising:

- Lot 2: the MaltEurop malting plant
- Lot 4: the access road to the subject properties off US Highway 87, owned by Dali, Inc. but required by previous agreements to be dedicated as right-of-way to the City when

determined needed, and

- Lot 5: an undeveloped lot also owned by Dali, Inc.

It is proposed to be expanded by a further 100 acres to include the property recently annexed for the ADF project. The Central Montana Agriculture and Technology Park is generally located east of US Highway 87 north of the intersection with Bootlegger Trail.

The City Commission adopted Resolution of Necessity 10013 on March 5, 2013, declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the Central Montana Agriculture and Technology Park.

On March 12, 2013, the Planning Advisory Board made two findings: The Central Montana Agriculture and Technology Park TIFID Plan to be in conformance with the I-2 zoning of the subject property and in conformance with the City of Great Falls' 2005 Growth Policy.

The process will establish a TIFID with an effective date of June 6, 2013, where tax increment generated from development after January 1, 2013, will be invested to finance public infrastructure improvements in the district.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3106 on first reading and set a public hearing for May 7, 2013.

Mayor Winters asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

10. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. **John Hubbard**, 615 7th Avenue South, discussed accountability in government, and issues he thinks are foolish such as same sex marriages and gun control.

Mayor Winters again read that the petitions and communications portion of the agenda is for "public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission." He reminded Mr. Hubbard to keep comments within the jurisdiction or authority of the City Commission.

- B. **Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that the news that Health Care Services Corporation may not move ahead this year with a call center in town was disappointing. He also reported that Great Falls has climbed in the Policom economic strength rankings for the seventh year in a row.

CITY MANAGER

11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that Director Haynes and Deputy Director Thomas have taken other positions. The City will be actively recruiting to fill the vacancies. Craig Raymond is appointed Acting Director in the interim.

In regard to Mrs. Groves' comments, Manager Doyon discussed the ISO rating and what attempts the City made to get the rating higher. He referred to Item 7 on the agenda and the comment of Assistant Fire Chief Hester that, although the Fire Department is generally in support of growth, there is impact to that. Great Falls hasn't seen robust growth, but it has seen steady incremental growth. It is something to be mindful of as we move into the budget season for 2014 and discuss long term planning.

Deputy Manager Jennifer Reichelt thanked the community for the great turn out and support for the Animal Shelter's "Murder at the Juice Joint" fund raiser, and that T-shirts are on sale to support Animal Cruelty Awareness Month.

CITY COMMISSION

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Kelly expressed kudos to Detective Jesse Slaughter for his leadership role in active shooter training that recently took place. He hopes the community understands this is a pro-active stance. He was proud to be part of that opportunity to watch these men and women work, knowing that it's really about throwing their lives in harm's way to save children and citizens in the community.

13. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of April 2, 2013, at 7:53 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

City Clerk Lisa Kunz

Minutes Approved: April 16, 2013